HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16109 of 2006

Dated 1st AUGUST 2006

Between:
Smt. S.Jayalaxmi W/o Krishna Rao, aged 37 years
R/o 39-26-67, Rajev Nagar, Madhavadhara
Visakhapatnam

… Petitioner

And:
The Grater Visakhapatnam Municipal Corporation,
Rep. By its Commissioner, Asilmet, Visakhapatnam

… Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16109 of 2006

ORDER:

Heard the learned counsel.

This writ petition is filed for writ of mandamus declaring the action of the respondent in attempting to demolish the petitioner's structure bearing Door No.39-12-12/1/2 in an extent of 110 sq. yards in Sy.No.19/7B Part of Madhavadhara, Visakhapatnam without issuing any notice under Section 452 of Hyderabad Municipal Corporations Act, without giving her an opportunity of being heard and without passing any final order and by just strait away giving a demolition notice under Section 636 of Hyderabad Municipal Corporations Act, as illegal, arbitrary and pass such other suitable orders.

The main grievance of the petitioner is that the impugned notice was issued straight away with a threat of demolition, without issuing show cause notice under Section 452 of Hyderabad Municipal Corporations Act 1955.

In the facts and circumstances of the case, the respondent to treat this notice as show cause notice and the petitioner is permitted to file her objections in relation thereto, within one week from today and the respondent to consider the objections and pass appropriate orders

as expeditiously as possible subsequent thereto and till then status-quo obtaining as on today to be maintained.

With the above observation, the writ petition is disposed of. No order as to costs.

P.S. NARAYANA, J

Dated: 1st AUGUST 2006

Note: CC in two days
(BO)
BSS/MDAA